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REMARKS

Claims 1-24 are pending in the present application. In the Office Action mailed May 19, 2005, the Examiner rejected claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over Jago et al. (USP 5,938,607) in view of Wood et al. (USP 5,715,823). The Examiner next rejected claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over Slayton et al. (USP 6,440,071) and Jago et al., in view of Friz et al. (USP 5,786,994). Claims 1-24 were provisionally rejected under the judicially created doctrine of double patenting over Application No. 09/199,506.

The Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Jago et al. in view of Wood et al. In setting forth the rejection, the Examiner has reproduced the entirety of claim 1 with respect to Jago et al. The Examiner further states that Jago et al. "teaches a system that includes an HTTP server, and a communication means ... for communicating electronic messages to and from the manufacturer" and that "Jago does not explicitly disclose at least one online center having access to service software at a centralized facility so as to service in-field product remotely." The Examiner further states that "Wood discloses at least one on-line center having access to service software at a centralized facility so as to service in-field product remotely." Applicant respectfully disagrees.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. MPEP §2143 requires that to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must, in part, teach or suggest all the claim limitations. As set forth herein below, the Examiner's combination of references fails to satisfy this requirement.

Claim 1 calls for, in part, a remote servicing communication system for an in-field product at a customer site wherein the in-field product is not readily capable of direct communication with an online center. That is, the in-field product is not constructed for direct communication with the online center. Contrary to the Examiner's assertion that "Jago discloses a remote servicing communications system...[having] at least one on-line center having access to service software at a centralized facility so as to service in-field product an in-field product at a customer site that is not readily capable of direct

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communication with the on-line center”; Jago et al. states that “[I]t should be possible for the manufacturer to deliver bulletins and reports with this type of information directly to the ultrasound system, and for the operator to quickly obtain this type of information if it is not present on the ultrasound system.” Col. 2, Ins. 14-19. Jago et al. further states that “[t]he ultrasound system 10 includes a HyperText Transfer Protocol (HTTP) server 30” and that “[t]he server 30 makes the diagnostic information of the ultrasound system 10 available to users connected to access the ultrasound system through a communication network, such as the network shown in FIG. 2.” Col. 3, Ins. 19-30. That is, ultrasound system 10 is readily capable of direct communication with the on-line center via server 30.

Likewise, Wood et al., which is the parent of the continuation-in-part Jago et al., states that “[i]n accordance with the principles of the present invention the ultrasound system of FIG. 1 further includes a HyperText Transport Protocol (HTTP) server 30” and that the “[t]he HTTP server is connected to access ultrasonic images and report from the storage medium 24, and makes the system’s images and reports accessible to a personal computer, terminal, or workstation at a remote location.” Col. 3, Ins. 18-24. Wood et al. further states that “the server 30 makes the diagnostic information of the ultrasound system 10 available to users connected to access the ultrasound system through the communication network 340.” Col. 3, Ins. 26-29. That is, Wood et al. expressly discloses that ultrasound system 10 is readily capable of direct communication with an on-line center; albeit not a service center but an image library.

Claim 1 calls for, in part, an in-field product at a customer site that is not readily capable of direct communication with an on-line center. As both Jago et al. and Wood et al. disclose an ultrasound system which includes a server which “makes the system’s images and reports accessible to a personal computer, terminal, or workstation at a remote location”, the systems disclosed in Wood et al. and Jago et al. are systems readily capable of direct communication with an on-line center and are not systems which are not readily capable of direct communication with an on-line center as called for in claim 1.

Claim 1 further calls for a first communications link connecting a portable service interface to the on-line center and a second communication link connecting the portable

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service interface with the in-field product to complete a connection between the in-field product and the on-line center through the portable service interface. The Examiner asserts that "Wood discloses at least one on-line center having access to service software at a centralized facility so as to service in-field product remotely (Wood teaches a cable is connected from the serial port of the laptop computer to the serial port on the ultrasound system as well as further teaching new techniques for qualifying and testing such software upgrades for ultrasonic diagnostic systems worldwide".) [Citation omitted] Regardless of the Examiner's citation to Wood et al., the Examiner's analysis fails to identify the elements of the claim with respect to the art of record. Such a comparison cannot be made because the elements are not there.

In addition to server 30 configuring the in-field product for direct communication with the on-line center, Wood et al. further discloses that "the Perform System Diagnostics functions can be performed by an on-site serviceman using a laptop computer." Col. 11, lns. 10-12. Wood et al. further states that "when the serviceman is with the ultrasound system, there is no need for modem interconnection; the network link can be made directly" and that "in this case a cable is connected from the serial port 131 of the laptop computer (FIG. 3) to the serial port 31 of the ultrasound system (FIG. 2)." Col. 11, lns. 12-16. Wood et al. continues stating that "access and interrogation of the ultrasound system by the repairman proceeds as described above, but at the much faster data rate of a direct network connection" and that "a visiting serviceman can use his laptop computer to perform system diagnostics, check error logs, verify configurations and software levels, and other system maintenance and repair activities." Col. 11, lns. 17-24.

In the configuration of Wood et al., when a serviceman uses a laptop to service the in-field device, there is a single communications link between the laptop and the in-field product. Data is exchanged via the direct network connection; i.e. the physical connection between the laptop and the in-field product. As such, there is no connection between the in-field product and the on-line center through a portable service interface as called for in claim 1. Simply, the repairman has physically brought the service to the in-field device. Accordingly, Wood et al. and Jago et al. fail to teach, suggest, or disclose a

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remote servicing communication system having a first communications link connecting a portable service interface to an on-line center and a second communications link connecting the portable service interface with the in-field product to complete a connection between the in-field product and the on-line center through the portable service interface as called for in claim 1. Therefore, claim 1 is patentably distinct over Jago et al. in view of Wood et al.

Claim 10 calls for, in part, a method of providing remote service communication between an on-line center and an in-field product wherein the in-field product is not readily capable of direct communication with the online center. Claim 10 further calls for electrically connecting the on-line center with a portable service interface, accessing data from the in-field product with the portable service interface, and interfacing between the on-line center and the in-field product with the portable service interface. The combination of Jago et al. and Wood et al. fails to teach, suggest, or disclose such a method. That is, the systems of both Jago et al. and Wood et al. are readily capable of direct communication with the on-line center as argued above with respect to claim 1. Furthermore, Wood et al. discloses that "access and interrogation of the ultrasound system by the repairman proceeds...at the much faster data rate of a direct network connection" when the laptop computer is connected thereto. Col. 11, lns. 17-21. That is, the system of Wood et al. is configured to communicate data between the network either through direct connection with the in-field device and the on-line center or through a direct connection of a laptop computer with the in-field product. That is not what is called for in claim 10. Claim 10 calls for, in part, interfacing between the on-line center and the in-field product with the portable service interface. Such interfacing is not taught, suggested, or disclosed in Jago et al. or Wood et al., individually or in combination. Wood et al. discloses that the in-field product either communicates directly with the on-line center or, alternatively, that the information communicated from the center is brought to the in-field product via a laptop computer. Neither configuration of the system of Wood et al. teaches, suggests, or discloses interfacing between the on-line center and the in-field product with the portable service interface as called for in claim 10. As such, Jago et al. and Wood et al. fail to teach and/or suggest each and every

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element called for in claim 10. Accordingly, claim 10 is patentably distinct over Jago et al. in view of Wood et al.

Similarly, claim 21 defines a method of servicing an in-field product not readily capable of direct communication with the remote on-line center. Applicant has amended claim 21 to improve the readability of the steps of the method. Applicant has merely clarified the identification of the servicing function by identifying the servicing functions with parenthetical identifiers. The method includes selecting at least one of (A) interfacing the in-field product with the on-line center through the portable service interface to conduct a diagnostic evaluation of the in-field product and (B) downloading information to the in-field product from the on-line center through the portable service interface. No such servicing method is disclosed in the art of record. The art of record fails to teach or suggest such a servicing method. Specifically, Jago et al. teaches an in-field product that is readily capable of direct communication with a remote on-line center and further discloses that "the electronic messaging system can be configured to automatically capture system information when a problem occurs, such as the system error log, status and configuration, and to automatically send the error log to the manufacturer or repairman at the time of the problem." Col. 8, lns. 15-19. Jago et al. further states that "the manufacturer or repairman can review these messages and their information as they are received, and can notify the system operator if the information indicates that repairs or adjustments are needed to the ultrasound system." Col. 8, lns. 19-23. Jago et al. continues that "the manufacturer can contact the ultrasound system operator by return electronic message or other media to request additional information if such appears warranted or useful." Col. 8, lns. 23-26. That is, the system of Jago et al. is directly connectable to an on-line center and there is no remote servicing of the in-field as called for in claim 21. The system of Jago et al. merely communicates error messages between the in-field product and the on-line center. The system of Jago et al. does not teach or suggest connecting a portable service interface to an in-field product, or electrically connecting the on-line center with the portable service interface as called for in claim 21.

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Similarly, as argued above with respect to claims 1 and 10, Wood et al. also discloses a system wherein the in-field product is readily capable of direct communication with a remote on-line center. Wood et al. further discloses that the system disclosed therein communicates with a service provided via (1) an on-line support connection directly between the in-field product and the on-line center or (2) a laptop computer directly connected to the in-field product. That is, Wood et al. does not disclose a servicing method including providing a portable service interface having software for communication with an on-line center, connecting the portable service interface to the in-field product, and electrically connecting the on-line center with the portable service interface as called for in claim 21. That is, Wood et al. discloses a system wherein direct connections are maintained either between a laptop computer and the in-field product or an on-line service and the in-field product. That is, neither embodiment disclosed in Wood et al. includes a portable service interface which interconnects the in-field product and the on-line center as called for in claim 21. As such, claim 21 is patentably distinct over Jago et al. in view of Wood et al.

The Examiner next rejected claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over Slayton et al., Jago et al., in view of Friz et al. Applicant appreciates the Examiner's indication that Slayton et al. has been disqualified as prior art based upon the evidence provided with the 37 C.F.R. §1.131 Declaration filed July 20, 2004 and further notes that the application of Slayton et al. does not appear in the rejection of claims 1-24 as being unpatentable over Slayton et al. and Jago et al. in view of Friz et al. However, Applicant disagrees with the assertion that which is called for in the present claims is taught, suggested, or disclosed in the combination of Jago et al. in view of Friz et al., but now without Slayton et al.. Based on the previous need to include Slayton et al. with Jago et al. and Fritz et al., clearly indicates that the same rejection without Slayton et al. is without merit.

In rejecting claim 1 as unpatentable over Jago et al. in view of Friz et al., the Examiner has again reproduced the entirety of claim 1 and further asserts that Jago et al. implies generating and communicating error logs as well as reporting image data in the form of an electronic message from the ultrasound scanner to its manufacturer and in

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response, the manufacturer returning an electronic message to the respective ultrasound scanner. The Examiner further states that "Jago does not explicitly disclose at least one on-line center having access to service software at a centralized facility so as to service in-field product remotely." The Examiner further states that "in the same field of endeavor, Friz et al. discloses...at least one on-line center having access to service software at a centralized facility so as to service in-field product remotely...." Applicant finds the Examiner's assertion that Friz et al. is "in the same field of endeavor as applicant's invention" misrepresentative of that which is disclosed in Friz et al.

Applicant's invention is related to servicing of in-field image acquisition devices. Comparatively, Friz et al. is directed to a laser printer array system connected to a plurality of medical imaging devices. That is, Friz et al. is directed to a printer control system wherein Applicant's invention is directed to the imaging devices which may be connected to the system of Friz et al. to generate a printout. As stated in the Examiner's citation to Friz et al. column 1, line 11 through column 2, line 67, Friz et al. states that "in many medical imaging systems, the laser imager receives image data from a plurality of diagnostic imaging modalities" and that "the modalities often are associated with specific departments within a hospital that send image data to one or more central laser imagers." Col. 2, lns. 47-53. Friz et al. further states that the hospital may "charge for use of both the laser imager and imaging media on a departmental basis...." Col. 2, lns. 53-54. That is, the laser imaging system of Friz et al. is operable with a system of Jago et al., Slayton et al., or Wood et al. Any such combination would result in a medical imaging system connected to a medical image printing system. Servicing the printing system of Friz et al. has no applicability to the system service of the medical devices connected thereto.

Friz et al. states that "the software system can be configured to automatically send the reports to users of the laser imagers, automatically initiate and order to send additional imaging media, and automatically initiate a request for dispatch of a service technician in response to an error condition." Col. 3, lns. 37-42. That is, the system of Friz et al. does not provide service to an in-field product as called for in the present claims, but merely acquires data therefrom and dispatches service personnel responsive thereto. Combining the system of Friz et al. with Jago et al. results in a system wherein

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the imaging system of Jago et al. is connected to a laser medical imager system of Friz et al. The system of Friz et al. does not service, update, or communicate other than to receive data from the imaging system of Jago et al.

Friz et al. further states that "system 46 is capable of automatically sending the reports to users of laser imagers 14₁-14_N, automatically initiating an order to send additional imaging media 22, and automatically initiating a request for dispatch of a service technician in response to an error condition." Col. 11, lns.12-16. That is, if an error message is sent, service is merely dispatched, nothing is sent from a remote source as called for in the present claims. There is no disclosure in the art of record for at least one on-line center having access to service software that centralizes the facility so as to service in-field product remotely as asserted by the Examiner. That is, Friz et al. discloses "**dispatch of a service technician**" in response to an error condition and Jago et al. merely teaches generation of a "**system error log**". Neither system teaches, suggests, or discloses, remote service of an in-field product as called for in the present claims.

Claim 1 calls for, in part, an in-field product at a customer site that is not readily capable of direct communication with an on-line center, at least one portable service interface operable with the in-field product at the customer site and having software for communication with the on-line center, a first communications link connecting the portable service interface to the on-line center, and a second communications link connecting the portable service interface with the in-field product to complete a connection between the in-field product and the on-line center through the portable service interface. As argued above with respect to the rejection of claim 1 over the combination of Jago et al. in view of Wood et al., the combination of Jago et al. in view of Friz et al. fails to teach, suggest, or disclose a remote servicing communication system for in-field product as defined in claim 1.

The in-field products in both Jago et al. and Friz et al. are readily capable of direct communication with an on-line center, the references fail to teach, suggest, or disclose a first communications link connecting the portable service interface to an on-line center, and fail to teach, suggest, or disclose, a second communications link connecting the portable service interface with the in-field product to complete a connection between the

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infield product and the on-line center through the portable service interface. As such, claim 1 is patentably distinct over the combination of Jago et al. in view of Friz et al.

Similarly, claim 10 defines a method providing remote service communication between an on-line center and an in-field product at a customer site wherein the in-field product is not readily capable of direct communication with the on-line center. Claim 10 further defines loading on-line center connectivity software on a portable service interface, connecting the portable service interface to the in-field product, electrically connecting the on-line center with the portable service interface, accessing data from the in-field product with the portable service interface, and interfacing between the on-line center and the in-field product with the portable service interface. As argued above with respect to the rejection of claim 10 as unpatentable over Jago et al. in view of Wood et al., Friz et al. adds nothing to the disclosure of the servicing of the in-field product of Jago et al. That is, the system of Friz et al. is a printer system connectable to the in-field product system of Jago et al. Such a system does not teach, suggest, or disclose the method of remote service called of in claim 10. As argued above, the system of Friz et al. fails to provide any service other than to dispatch a service technician to the products connected thereto and Jago et al. merely communicates error messages between the in-field product and the on-line center. Accordingly, claim 10 is patentably distinct over the combination of Jago et al. in view of Friz et al.

Similarly, claim 21 calls for a method of servicing an in-field product not readily capable of direct communication with a remote on-line center including providing a portable service interface having software for communication with an online center, connecting the portable service interface to the in-field product, electrically connecting the on-line center with the portable service interface and, from the portable service interface, selecting at least one servicing function available from the on-line center. As previously argued with respect to claims 1 and 10, the Examiner's assertion that "Friz discloses at least one on-line center having access to service software at a centralized facility so as to service in-field product remotely" is simply not supported by the art of record. Specifically, Friz et al. expressly discloses "initiating a request to dispatch a service technician in response to an error condition." Col. 11, lns. 15-16. That is, the

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printer of Friz et al. is not serviceable by the on-line center as called for in claim 21. Jago et al. discloses a system wherein the system is readily capable of direct communication with the remote on-line center. Furthermore, the in-field product of Jago et al. is configured to communicate "system error log, status and configuration, and to automatically send the error log to the manufacturer or repairman at the time of the problem." Col. 8, lns. 17-19. That is, the system does not service the in-field product, but rather merely records the problem therewith. The combination of Jago et al. with Friz et al. results in an in-field product system readily capable of direct communication with the remote on-line center wherein the on-line center can report and dispatch service technicians to the in-field product combined with the printer system of Friz et al. wherein service personnel must be dispatched responsive to an error message. That is not what is called for in claim 21. Claim 21 calls for a method of servicing an in-field product that is not readily capable of direct communication with a remote on-line center. Claim 21 further calls for providing a portable service interface having software for communication with an online center, connecting the portable service interface to the in-field product, electrically connecting the on-line center with the portable service interface and, from the portable service interface, selecting at least one servicing function available from the on-line center. The combination of Jago et al. with Friz et al. requires the dispatch of service personnel to the systems thereof. Such is clearly not what is called for in claim 21. As such, claim 21 is patentably distinct over the art of record.

With respect to the Examiner's rejection of claims 2-9, 11-20, and 22-24, these claims depend from claims otherwise patentably distinct over the art of record. As such, pursuant to the chain of dependency, claims 2-9, 11-20, and 22-24 are also patentably distinct thereover.

Applicant notes that the Examiner provisionally rejected claims 1-24 under the judicially created doctrine of double patenting over claims 1-44 of Application No. 09/199,506. MPEP §804(I)(B) states that "[i]f the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a

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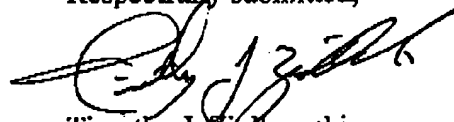
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patent." Since no basis of rejection remains, Applicant requests withdrawal of the provisional double patenting rejection and a timely issuance of a Notice of Allowance.

In light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-24.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved or require further explanation if the same would further prosecution of this case.

Respectfully submitted,



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